

UNITES STATE DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
INDEX NO. 1:21-cv-05097-AJN-SDA

- - - - - x

SHAARILLE LINZY,

Plaintiff,

- against -

UBER TECHNOLOGIES, INC.,

Defendant.

- - - - - x

February 21, 2023

10:05 a.m.

Veritext Virtual

DEPOSITION of SHAARILLE LINZY, the Plaintiff in the
above-entitled action, taken before Claire Gould, a
Professional Shorthand Reporter and Notary Public of the
State of New York, pursuant to Federal Rules of Civil
Procedure between counsel.

* * * *

A P P E A R A N C E S :

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BY: BENJAMIN LEVITES, ESQ.

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S T I P U L A T I O N S

IT IS HEREBY STIPULATED AND AGREED, by and among counsel for the respective parties hereto, that the filing, sealing and certification of the within deposition shall be and the same are hereby waived;

IT IS FURTHER STIPULATED AND AGREED that all objections, except as to form of the question, shall be reserved to the time of the trial;

IT IS FURTHER STIPULATED AND AGREED that the within deposition may be signed before any Notary Public with the same force and effect as if signed and sworn to before the Court.

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THE COURT REPORTER: The attorneys participating in this deposition acknowledge that I am not physically present in the deposition room and that I will be reporting this deposition remotely. They further acknowledge that in lieu of an oath administered in person, I will administer the oath remotely.

The parties and their counsel consent to this arrangement and waive any objections to this manner of reporting.

* * * *

S H A A R I L L E L I N Z Y, after having first been duly sworn by a Notary Public of the State of New York, was examined and testified as follows:

EXAMINATION BY

MR. LEVITES:

Q Please state your name for the record.

A Shaarille Linzy.

Q What is your present home address?

1 S. Linzy

2 A 100 Casals Place, Apartment
3 26D, Bronx, New York 10475. C A S A L S.

4 MR. KLEIN: Off the record.

5 (Whereupon, a discussion was
6 held off the record.)

7 MR. LEVITES: Counsel, do you
8 agree to the ordinary stipulations?

9 MR. KLEIN: I will reserve
10 objections until the time of trial,
11 except as to the form. Yes.

12 MR. LEVITES: And will the
13 witness read and sign?

14 THE WITNESS: Yes.

15 MR. LEVITES: Okay. And as to
16 the usual Zoom stipulations, we agree
17 that this remote deposition on Tuesday
18 February 21, 2023 will be taking place
19 remotely and that the witness is
20 swearing her oath remotely and that is
21 acceptable to all the parties.

22 MR. KLEIN: Agreed.

23 THE WITNESS: Agreed.

24 Q. Good morning, Miss Linzy. We
25 met briefly off the record. My name is

1 S. Linzy

2 Benjamin Levites. I represent the
3 Defendant Uber Technologies Inc. And also
4 present is the court reporter, Miss Gould.
5 And, of course, your attorney, Mr. Klein.

6 I will be asking you questions
7 concerning your lawsuit against Uber
8 involving an accident on December 5, 2019 at
9 the roadway at or near 3681 Bruckner
10 Boulevard, Bronx, New York, and attorney
11 Klein may as well.

12 Do you understand that we are
13 here today concerning your lawsuit against
14 Uber concerning your accident on December 5,
15 2019?

16 A. Yes.

17 Q. I know you have been deposed
18 previously in this case; is that correct?

19 A. Yes.

20 Q. So you are already aware of
21 the rules of how this procedure goes, but
22 I'll try to go through them quickly, so we
23 can get a good transcript in this case.

24 So the goal is to have a
25 transcript that reads question and answer,

1 S. Linzy

2 question and answer. Is that okay?

3 A. Yes.

4 Q. In actual conversation I
5 appreciate when you anticipate the rest of
6 my question, but because of the nature of
7 today's proceedings I need you to wait
8 until I'm finished asking a question. And
9 similarly I would like you to let me know
10 if I've begun asking another question
11 before you are done answering.

12 Is that okay?

13 A. Yes.

14 Q. This is extra important,
15 because we are on zoom, do you agree not to
16 use any other cell phones or electronic
17 devices while we are in the deposition
18 except while we are on a break?

19 A. Yes, I agree.

20 Q. Thank you. Do you have any
21 notes or documents with you right now?

22 A. No.

23 Q. Do you agree not to refer to
24 any notes or documents other than those we
25 review together?

1 S. Linzy

2 A. I agree.

3 Q. Is there anyone else present
4 with you in the room right now?

5 A. No.

6 Q. You have been doing an
7 excellent job so far, but just to remind
8 you, the court reporter can only transcribe
9 verbal answers. So the transcript won't
10 capture nuances of tone, like un-huh and
11 ah-hah. Is that okay?

12 A. Yes.

13 Q. I may ask a question that is
14 confusing and you can always tell me that
15 you don't understand the question, or you
16 would like me to rephrase it. But if you
17 do answer the question, it will be
18 understood that you did understand it and
19 were able to answer it. Is that okay?

20 A. Yes.

21 Q. We can take a break at any
22 time for any reason that you like. My only
23 request is that you answer any pending
24 question before we take a break.

25 Is that okay?

1 S. Linzy

2 A. Yes.

3 Q. This applies to all of my
4 questions today, I don't want to hear
5 anything that you have told your lawyer or
6 that your lawyer has told you. Do you
7 understand?

8 A. Yes.

9 Q. So with that in mind, what did
10 you do to prepare for today's deposition?

11 A. Tried to sleep well.

12 Q. Did you meet with your
13 attorney?

14 A. Yes, I spoke with my attorney.

15 Q. Was anybody else present at
16 that meeting?

17 A. No.

18 Q. Have you spoken about this
19 case with anyone else?

20 A. No.

21 Q. Did you review anything in
22 preparation for the deposition today?

23 A. No.

24 Q. And have you taken any
25 medication today?

1 S. Linzy

2 A. No.

3 Q. Are you able to sit through
4 this deposition and answer questions today?

5 A. Yes.

6 Q. Do you normally take
7 medication, but did not do so today?

8 A. Yes.

9 Q. What medications are those?

10 A. Ibuprofen and muscle relaxers.

11 Q. How is your memory of December
12 of 2019 as of today?

13 A. Some, a little cloudy but
14 there.

15 Q. Okay. We put a document up
16 before. But are you able to review
17 documents as I put them up on the screen
18 for you?

19 A. Yes, I have seen the document.

20 Q. If you have any trouble
21 reading any of the documents, just let me
22 know, and I can magnify them or move them
23 around or anything like that. Okay?

24 A. Okay.

25 Q. So I'm just going to go

1 S. Linzy
2 through some quick biographical information
3 here. What is your full name?

4 A. Shaarille LeCrystal Linzy.

5 Q. Have you ever been known by
6 any other name?

7 A. No.

8 Q. What is the address of the
9 primary residence right now?

10 A. 100 Casals Street, Apartment
11 26D, Bronx, New York 10475.

12 Q. When did you move there?

13 A. I have been living here off
14 and on for over ten years.

15 Q. Are you the owner of the
16 property at that address?

17 A. No.

18 Q. Do you maintain residences in
19 any other locations?

20 A. No.

21 Q. What is your e-mail address?

22 A. Shaarille, S H A A R I L L E -
23 L A L I N @gmail.com.

24 Q. What is your cell phone
25 number?

1 S. Linzy

2 A. 929-428-9791.

3 Q. What model cell phone is that?

4 A. Iphone 12.

5 Q. Is that the one you had in
6 2019?

7 A. No, it's a new cellular
8 device.

9 Q. The same number as before?

10 A. Yes.

11 Q. Same plan?

12 A. Yes.

13 Q. Are you married?

14 A. No.

15 Q. Have you been married?

16 A. Yes.

17 Q. Have you been married more
18 than once?

19 A. No.

20 Q. What is your ex-spouse's name?

21 A. Shaniqua.

22 Q. What is her last name?

23 A. I'm not sure. She changed it
24 back, but it was Linzy.

25 Q. Do you have any children?

1 S. Linzy

2 A. No.

3 Q. So you haven't had any issues
4 any-post dissolution issues, with respect
5 to the marriage, like child custody or
6 anything like that?

7 A. No.

8 Q. Does anyone else know anything
9 about this incident other than you?

10 A. My lawyer, and the people I
11 spoke to within this deposition and the
12 last deposition, my doctor.

13 Q. Understood. So strictly the
14 parties to this action and their counsel?

15 A. Yes.

16 Q. Okay. Could you give me a
17 brief summary of your educational
18 background from high school to up to your
19 highest level of attainment?

20 A. I received my GED. I went
21 back to school and received my certificate
22 in audio engineering recently.

23 Q. When was that?

24 A. I graduated October of 2021.

25 Q. Congratulations.

1 S. Linzy

2 A. Thank you.

3 Q. Do you have any other licenses
4 or certificates?

5 A. No, I have a driver's permit.

6 Q. Have you, or are you currently
7 or have you ever been enlisted in the
8 military?

9 A. No.

10 Q. Have you ever been involved in
11 a civil lawsuit, other than this lawsuit
12 and the related cases brought against Jose
13 Alemar and others?

14 A. No.

15 Q. How about criminal
16 proceedings, has anyone ever brought any
17 charges against you?

18 A. No.

19 Q. Have you been involved in any
20 other lawsuits, arbitrations, mediations or
21 anything like that?

22 A. No.

23 Q. Have you had any prior
24 accidents?

25 A. No.

1 S. Linzy

2 Q. Could you give me a brief
3 summary of your employment experience from
4 the day of your GED to the present and the
5 positions you held and when you left, if
6 you remember?

7 A. I have held customer position
8 at Time Warner Inc. I think that was 2011
9 till maybe approximately 2018.

10 I also worked for the
11 carpenter's union for -- I don't actually
12 remember the date for that.

13 I went back into customer
14 service and I've been working for Pokey
15 Works and I also worked customer service for
16 Family Dollar. I worked Pokey Works in
17 2017.

18 And 2018 I started to work for
19 Family Dollar. I went back to Pokey Works
20 at the beginning of 2019. And, yeah.

21 Q. So you worked at -- pardon me.

22 A. I recently had a job, a
23 temporary job, for the month of
24 January 2022 to February of 2022.

25 Q. What was that temporary job?

1 S. Linzy

2 A. It was working from home on
3 the computer, working for a
4 tele-performance.

5 Q. Was that customer service as
6 well?

7 A. Call center, it was taking
8 calls.

9 Q. Are you currently employed?

10 A. No.

11 MR. LEVITES: Kevin, I'm just
12 letting you know your video is out. I
13 don't think it's a problem.

14 MR. KLEIN: No problem. You
15 can continue. I appreciate it.

16 MR. LEVITES: Not a problem.

17 Q. I'm going to be turning to
18 your complaint in this case. So let me
19 know if there is any issues pulling that
20 up. I'm putting that on now (indicating).

21 Can you see that up there,
22 Miss Linzy?

23 A. Yes.

24 Q. Beginning at paragraph 14,
25 there is a description of your allegations

1 S. Linzy

2 concerning the accident. Do you see that?

3 A. Yes. Can you make it a little
4 bit bigger? It's kind of small.

5 Q. Absolutely. Is that better?

6 A. Yes.

7 Q. So in paragraph 14 you allege
8 that on December 5, 2019 at the roadway at
9 or near 3681 Bruckner Boulevard, Bronx, New
10 York, you were seriously injured as a
11 result of a motor vehicle collision; do you
12 see that?

13 A. Yes. You said 14, right?
14 Yes.

15 Q. Yes. So how did that
16 collision occur?

17 A. The motor vehicle collision?

18 Q. Yes.

19 A. Well, I was crossing the
20 street at the corner in the crosswalk and
21 as I proceeded across the crosswalk I was
22 hit viciously by a car.

23 Q. Did you see that collision?

24 A. No.

25 Q. Do you remember how your body

1 S. Linzy

2 moved during the collision?

3 A. I just remember being hit
4 really hard.

5 Q. Do you remember which side of
6 your body was hit?

7 A. My left side.

8 Q. You further allege here that
9 you were lawfully traveling over and along
10 the accident location as a pedestrian.

11 Where were you coming from at
12 that time?

13 A. I was exiting the 12 bus. I
14 proceeded to the sidewalk and walked to my
15 right to the corner, to cross at the
16 crosswalk.

17 Q. Do you remember what time of
18 day it was?

19 A. It was between 4:45 and 5:15.

20 Q. Do you remember the weather
21 that day?

22 A. The weather was fair.

23 Q. Was there any snow on the
24 ground or ice, anything like that?

25 A. No.

1 S. Linzy

2 Q. Do you remember what happened
3 after the collision?

4 A. Not up until I got -- I was
5 talking to the ambulance people.

6 Q. Were you talking to the
7 ambulance personnel when they responded to
8 the scene or in the ambulance vehicle?

9 A. Umm, when they responded to
10 the scene.

11 Q. So did they speak to you
12 immediately after the collision?

13 A. No. They started to put a
14 neck brace on me.

15 Q. Do you remember what you said
16 to them and what they said to you?

17 A. They asked me, where am I
18 hurt?

19 Q. Do you remember what you told
20 them?

21 A. Yeah, I told them that my back
22 hurts really bad, my hip and my leg. I
23 told them also that my head hurts, my neck
24 and my jaw.

25 Q. Okay. Do you remember what

1 S. Linzy

2 kind of car struck you?

3 A. The make of the car? No.

4 Q. Do you remember if there was
5 anyone in the car other than the driver?

6 A. Any person in the car, no.

7 Q. Correct. Any passenger or
8 anything like that?

9 A. No.

10 Q. Did you have any conversation
11 with the driver of the vehicle after the
12 collision?

13 A. No.

14 Q. Did you make any observations
15 about the driver, as far as his driving
16 prior to the collision?

17 A. As far as his driving, no.
18 I just -- the lights just came real fast
19 so...

20 Q. Did you make any observations
21 concerning whether the driver was obeying
22 traffic control devices at that time?

23 A. What do you mean by "traffic
24 control devices"?

25 Q. Like if they had gone through

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S. Linzy

a red light or something like that.

MR. KLEIN: Counsel, I don't know if she testified that she could see any traffic lights or anything of that nature.

MR. LEVITES: I understand that she testified that she didn't see the collision.

I'm just wondering if she made any observations about the driver and whether he was complying with any traffic control.

A. No, sir. I didn't make any observation.

Q. And the same question, did you make any observations as to how fast or slow he was going? I know you said the lights came on fast. Anything to expand on that?

A. No, I just remember seeing lights come fast.

Q. So did it appear to you at the time that he was driving at an excessive rate of speed?

1 S. Linzy

2 A. What do you mean?

3 Q. Like he was speeding.

4 A. I -- I can't tell you whether
5 he was speeding.

6 Q. Again, subject to your earlier
7 testimony, that you didn't view the
8 collision, did it appear to you that the
9 driver was staying within the lane of
10 travel while he was driving?

11 A. Sorry. I don't drive. What
12 do you mean by that?

13 Q. Like staying within the lane,
14 as opposed to driving in between two lanes?

15 MR. KLEIN: My client
16 testified that she did not notice the
17 vehicle, only the lights.

18 MR. LEVITES: Okay.

19 Q. Had you ever been to the
20 intersection where the accident happened
21 before?

22 A. Yes, before the accident. Yes.

23 Q. And how many times?

24 A. I can't count. That is the
25 route that I take home from work, so...

1 S. Linzy

2 Q. That is your daily commute, so
3 that you have been through it many times?

4 A. Yes.

5 Q. This was your commute to Pokey
6 Works, Family Dollar or both?

7 A. To Pokey Works.

8 Q. This was the 12 bus, was it
9 the select bus or was it local?

10 A. It was the local.

11 Q. Have you ever communicated
12 with anyone from Uber concerning this
13 accident?

14 A. No.

15 Q. I'm going to turn to the next
16 exhibit in this case, which is the Bill of
17 Particulars that was served.

18 MR. LEVITES: The first
19 exhibit is the Complaint, which is
20 Exhibit 1. And this is Exhibit 2, the
21 Plaintiff's Verified Bill of
22 Particulars.

23 (The above-referred-to
24 documents were was marked as
25 Defendant's Exhibits 1 & 2 for

1 S. Linzy

2 identification as of this date.)

3 Q. So we have turned to Exhibit 2
4 here, which is the Bill of Particulars.

5 I'm going to scroll down a
6 little bit. So you see the Bill of
7 Particulars Response 15 says that you had
8 been confined to your bed and home from the
9 day of the accident intermittently and
10 continued to be confined to bed and home on
11 an intermittent basis. And this Bill of
12 Particulars is dated May 12, 2021.

13 So my question is, is that true
14 as of today?

15 A. Can you tell me what
16 "intermittent" means?

17 Q. Off and on.

18 MR. KLEIN: Just you put it in
19 plain language, please. Thank you.

20 MR. LEVITES: Absolutely.

21 Q. So the answer says that you
22 were bedridden off essentially off and on
23 from the date of the accident, December 5,
24 2019, up through the date that you signed
25 this document, which was May of 2021.

1 S. Linzy

2 So my question is, between
3 May 2021 and now, have you been confined to
4 your bed off and on?

5 A. So from after that basically
6 signing that until now, you are asking me?

7 Q. Exactly.

8 A. I have been up more.

9 Q. The same question with respect
10 to number 16. So it states as of May of
11 2021, you were partially disabled.

12 Is that true today, February of
13 '23?

14 A. Yes.

15 MR. LEVITES: I'm going to
16 turn to the next exhibit in this case,
17 Exhibit 3, which is the deposition
18 testimony offered previously in the
19 related matter of Linzy versus Alemar.

20 (The above-referred-to
21 document was marked as Defendant's
22 Exhibit 3 for identification as of
23 this date.)

24 Q. My first question, is do you
25 remember giving this testimony?

1 S. Linzy

2 A. The testimony that you are
3 showing up here (indicating)?

4 Q. Yes.

5 A. I remember giving a testimony.
6 But I don't really see what this testimony
7 says.

8 Q. Of course. You do remember
9 being deposed previously?

10 A. Yes.

11 Q. In connection with this
12 accident?

13 A. Yes.

14 Q. I think you already answered
15 my question, but is there anything from
16 this testimony that you remember that you
17 have since recalled is inaccurate that you
18 would like to correct now?

19 A. No.

20 Q. So my first question is on
21 page 84, you testified that No-Fault paid
22 all of your bills and that none of your
23 bills have been submitted to Medicare or
24 Medicaid.

25 So my question, this was in

1 S. Linzy

2 October of 2020, my question is, has that
3 changed at all between October and now?

4 A. Pertaining to the accident?

5 Q. Yes.

6 A. It's not changed.

7 MR. KLEIN: I'm sorry, I
8 didn't hear her answer. Can you
9 repeat her answer, counsel?

10 MR. LEVITES: She said since
11 the accident it had not changed. And
12 accident-related specifically, I
13 believe was the distinction there.

14 Q. Beginning at page 36 you
15 discuss the accident, how it happened. So
16 rather than go through all of it, I'm just
17 going to summarize as best I can.

18 I'm going to ask you if you
19 would agree that that is how you previously
20 testified; is that okay?

21 A. Yes.

22 Q. So you previously testified
23 that you were transferring from the BX12 to
24 the Q50 after returning from work, correct?

25 A. Correct.

1 S. Linzy

2 Q. You testified that you exited
3 BX12 bus at the rear door, correct?

4 A. Yes.

5 Q. That is additionally, if you
6 have anything -- when I'm asking if it's
7 correct, I'm also asking you if you have
8 anything to add, change or elaborate,
9 please do so.

10 A. Okay.

11 Q. Thank you. So you exit the
12 BX12 at the rear door, right?

13 A. Yes.

14 Q. And you turned right when you
15 exited the door?

16 A. I proceeded onto the sidewalk
17 and then I turned right.

18 Q. Exactly. And then you walked
19 to the intersection of Bruckner and
20 Westchester?

21 A. I walked to the corner of
22 where the crosswalk is at.

23 Q. Exactly. Thank you. That is
24 exactly the sort of clarification I
25 appreciate. Thank you, Miss Linzy.

1 S. Linzy

2 A. Okay.

3 Q. So while you were at the
4 corner there, you were looking at the
5 pedestrian crossing signal, correct?

6 A. Yes.

7 Q. And you waited for the
8 pedestrian crossing signal to change?

9 A. Yes. When I looked at the
10 crossing signal, it was the little red hand
11 and I waited until it turns to the little
12 white man.

13 Q. So you confirmed that you had
14 the walk-sign in the pedestrian traffic
15 signal?

16 A. Yes.

17 Q. And you waited two to three
18 seconds and confirmed there was no cars
19 proceeding down Bruckner and that you had
20 the right-of-way?

21 A. Yes. After two or three
22 seconds I looked to my right and my left,
23 and then I proceeded when I had the
24 right-of-way.

25 Q. You began crossing Bruckner

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S. Linzy

Boulevard in the crosswalk?

A. Yes.

Q. You saw lights approaching fast from your left side approximately halfway through the crosswalk?

A. Yes.

Q. And you tried to run out of the way at that time, but you were struck while in the traffic flow lane?

A. Yes, I was trying to run forward and I viciously got hit.

Q. Thank you, Miss Linzy. So at 54, you testified that you don't remember making any statement to the police; is that right?

A. Yes, that's right.

Q. And similar to what you have testified today, you previously testified you don't remember having any conversations with the driver of the vehicle or anyone purporting to be the driver, correct?

A. Correct.

MR. LEVITES: I'm going to turn to the deposition transcript of

1 S. Linzy
2 the Defendant in Linzy versus Alemar,
3 Jose Alemar which we have marked as
4 Exhibit 4.

5 (The above-referred-to
6 document was marked as Defendant's
7 Exhibit 4 for identification as of
8 this date.)

9 Q. Alemar testified at 38 here,
10 and he said, two seconds before when I saw
11 something moving quickly, because it was
12 something that came out running.

13 So he is saying that two
14 seconds immediately before the accident, or
15 two seconds before the accident, he saw
16 something run out into traffic.

17 Is this testimony accurate in
18 your view?

19 A. No, it is not accurate.

20 Q. He similarly testified that
21 the accident took place exactly in the
22 middle of the block almost between the two
23 buses. And, further, that it was not
24 possible that the impact occurred in the
25 crosswalk. Is that accurate?

1 S. Linzy

2 A. That is not accurate.

3 Q. And the last portion of his
4 testimony that I want to flag for you here.
5 He testified that he did have a
6 conversation with you.

7 And you previously testified
8 that you don't recall having a conversation
9 with him, right?

10 A. Right.

11 Q. So he said --

12 A. I said, right, I don't recall.

13 Q. Alemar testified, she clearly
14 told me that she was sorry, and that she
15 was running to go get a bus on the other
16 side. She repeated several times that she
17 was in a hurry, that she was sorry because
18 of what had happened.

19 Naturally I asked her if she
20 wanted to use something to get warm. I was
21 going to give her my jacket because the
22 ground was cold, the temperature was cold.
23 She told me, no, she was okay. She
24 appreciated it. Thanks.

25 You previously testified that

1 S. Linzy

2 you do not recall a conversation with
3 Alemar. Does this testimony refresh your
4 recollection at all?

5 A. No.

6 Q. So you don't remember the
7 conversation that he is describing?

8 A. No.

9 Q. Is the conversation as he's
10 related it, is it accurate?

11 MR. KLEIN: Objection. She
12 just testified she doesn't recall, but
13 she can answer.

14 A. No, it's not accurate.

15 Q. Why is it not accurate?

16 A. Because it's not what
17 happened. I'm sorry, because it's not
18 true.

19 Q. No. Please, Miss Linzy. That
20 is exactly the purpose of the deposition,
21 is for you to answer these questions
22 freely.

23 So do you object to his
24 characterization that this is in the middle
25 of the block?

1 S. Linzy

2 A. Yes.

3 Q. And that you were running to
4 go get a bus on the other side?

5 A. Yes, I object.

6 MR. LEVITES: I'm going to
7 turn to Exhibit 5, which is the police
8 report in this case.

9 (The above-referred-to
10 document was marked as Defendant's
11 Exhibit 5 for identification as of
12 this date.)

13 Q. And here we have the
14 description from the police officer. He
15 says, 31 year old female found supine on
16 street. Complaining of, I was hit by a
17 car. I'm cold. The temperature being
18 approximately 37 degrees Fahrenheit.

19 Driver states, patient,
20 plaintiff ran out in front of him trying to
21 get to the bus across the street. And he
22 hit pedestrian going approximately ten miles
23 per hour. Pedestrian states unsure which
24 part of her body car hit.

25 And then she a loss of

1 S. Linzy
2 consciousness for an unknown amount of time.
3 Pedestrian complaining of pain on left side
4 of face, head, neck, and right upper leg.

5 Did I read that correctly?

6 A. Yes, I was trying to see where
7 you were reading it.

8 MR. KLEIN: I can't see all of
9 it.

10 MR. LEVITES: I apologize.
11 I'm reading from the wrong exhibit.

12 The FDNY report will be our
13 next exhibit, Miss Linzy. That's the
14 section I was just reading out to you.

15 Q. At TPO, driver of vehicle one,
16 states he was driving south on Bruckner
17 Boulevard when pedestrian one did emerge
18 from in between two parked buses and did
19 walk into traffic causing vehicle one to
20 strike pedestrian one. Pedestrian one was
21 not in the crosswalk.

22 At TPO, pedestrian one did exit
23 bus and was attempting to cross street to
24 enter the second bus when she was struck by
25 vehicle one, pedestrian removed to Jacobi

1 S. Linzy

2 Hospital by EMS.

3 And then it continues here,
4 driver of vehicle one did remain on scene,
5 pedestrian did not witness accident.

6 Did I read that correctly,
7 Miss Linzy?

8 A. From what it says there, you
9 read it correctly.

10 MR. KLEIN: You want to ask it
11 sentence by sentence there, counsel?

12 MR. LEVITES: I'm just asking
13 since I misread the previous exhibit
14 if I am reading this properly.

15 Q. So I've read this correctly.
16 You previously testified that you don't
17 remember speaking with the officer at the
18 scene, correct?

19 A. No, I don't.

20 Q. Is this police report
21 accurate?

22 A. No.

23 MR. KLEIN: Can you specify?

24 MR. LEVITES: Absolutely.

25 Q. Specifically the section

1 S. Linzy

2 entitled, accident description, slash,
3 officer's notes?

4 A. No.

5 Q. So you did not emerge from in
6 between two parked buses?

7 A. No, not at all.

8 Q. You didn't walk into traffic
9 at that time?

10 A. No.

11 Q. But you were attempting to
12 cross the street to enter a bus on the
13 other side, correct?

14 A. I was crossing the street to
15 wait for another bus on the other side.

16 Q. So the bus wasn't there?

17 A. No.

18 MR. LEVITES: Now I'm going to
19 turn to Exhibit 6, which is the one I
20 erroneous Lee read you. This is the
21 FDNY report as your counsel pointed
22 out.

23 I'm not going to read it again
24 because you heard it already. But you
25 can see the text here, beginning with

1 S. Linzy

2 that highlighted line there.

3 (The above-referred-to
4 document was marked as Defendant's
5 Exhibit 6 for identification as of
6 this date.)

7 Q. So if you could just read that
8 for a moment. That first full paragraph,
9 and let me know when you have done so.

10 A. (Reading).

11 Q. The first full paragraph from
12 31F to upper leg.

13 A. Okay. I'm done.

14 Q. So is that accurate, that
15 paragraph?

16 A. No.

17 Q. Which part is inaccurate?

18 A. The driver states PT ran out
19 in front of him trying to get to the bus
20 across the street.

21 Q. Now I'm going to go to some of
22 your medical records in this case.

23 Before I do so, did you
24 understand at that time that you were
25 seeking medical treatment that it's

1 S. Linzy

2 important for you to tell your doctors what
3 is hurting and what's brothering you so they
4 can treat you in particular?

5 A. Yes.

6 Q. You understood it was
7 important to answer all of their questions
8 fully so they could make those treatment
9 decisions?

10 A. Yes.

11 Q. You did so in respect of
12 seeking treatment in connection with your
13 December 5, 2019 motor vehicle accident?

14 A. Yes, sir.

15 MR. LEVITES: So I'm going to
16 look at Exhibit 7, which is the Jacobi
17 Medical Center records.

18 (The above-referred-to
19 document was marked as Defendant's
20 Exhibit 7 for identification as of
21 this date.)

22 Q. So my first question is, you
23 will see here in the initial admitting
24 notes that it was noted that there was no
25 visible sign of injury noted.

1 S. Linzy

2 Do you see that?

3 A. Yes, I do see that.

4 Q. Is that accurate?

5 A. No, it's not accurate.

6 Q. So what visible signs of
7 injury should they have noted at that time?

8 A. I had a lump at the top of my
9 head on the left side towards the front
10 (indicating).

11 Q. Was there anything else; any
12 bleeding, scrapes, road rash, anything like
13 that?

14 A. Not that I noticed, no.

15 Q. So on the following page the
16 record states, 31 year old female
17 presenting as pedestrian struck, plus loss
18 of consciousness, states she was running
19 across the street to catch the bus, saw a
20 car coming but didn't stop, and neither did
21 he. And neither did the car rather.

22 Complaining of pain in her
23 right hip, left face and left jaw, unable to
24 ambulate after the event.

25 Did I read that correctly?

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S. Linzy

A. From what it says there, yes.

Q. Is that accurate?

A. No.

Q. You don't remember stating this to the admitting medical personnel at Jacobi?

A. I remember complaining about the pain in my face, in my jaw and my hip and everything.

Q. Do you remember stating that you were running across the street to catch the bus, saw a car coming but didn't stop, and neither did the car?

A. No.

Q. Do you have any idea why she would have written that down in there?

MR. KLEIN: Objection.

I'm instructing her not to answer. Objection.

MR. LEVITES: We will move on. That's all right. We are going to move on, Miss Linzy.

Q. So at page five, it was noted that you were moving all of your

1 S. Linzy

2 extremities at the time of your discharge.

3 Do you remember that?

4 A. What do you mean by
5 "extremities"?

6 Q. Were you able to flex your
7 hips and bend your knees when you were
8 discharged from the hospital?

9 A. Not much.

10 Q. So you wouldn't say that is
11 accurate then?

12 A. No, it's not accurate.

13 Q. Similarly, the record notes
14 that you were given an x-ray, A CT scan and
15 some laboratory analysis, and at that time
16 you were cleared to be discharged from the
17 hospital. Do you remember that?

18 A. Yes.

19 Q. And that is accurate?

20 A. Yes. Wait. You are asking me
21 if I had x-rays and CAT scans, is that
22 accurate?

23 Q. Correct. And that you were
24 discharged because they were negative?

25 A. Yes.

1 S. Linzy

2 MR. LEVITES: I'm going to
3 turn to Exhibit 8, which is the
4 Northwell Health records.

5 (The above-referred-to
6 document was marked as Defendant's
7 Exhibit 8 for identification as of
8 this date.)

9 Q. So you returned to Northwell
10 four days later with headaches and leg
11 pain.

12 Let me pull up the record.

13 MR. KLEIN: I'm just going to
14 note my objection to this whole line
15 of questioning of any medical records.
16 Because the medical records speak for
17 themselves.

18 You can continue questioning.

19 MR. LEVITES: Understood,
20 counsel.

21 THE WITNESS: Am I able to say
22 something?

23 MR. LEVITES: Yes.

24 THE WITNESS: I went back to
25 the ER three days later.

1 S. Linzy

2 MR. LEVITES: Thank you. That
3 is funny, because they said four days,
4 but it clearly was three. But you and
5 I can both do the math and it's three.

6 So it's here's the record.
7 I've pulled it up.

8 MR. KLEIN: Was this an
9 inconsistency within the medical
10 records?

11 MR. LEVITES: Within the
12 medical records. Exactly.

13 MR. KLEIN: So it was entered
14 incorrectly in the medical records?

15 MR. LEVITES: Correct. The
16 document was updated December 8th and
17 the incident was December 5th.

18 MR. KLEIN: Okay.

19 Q. So you are struck three days
20 prior and initially seen at Jacobi
21 Hospital, right?

22 A. Yes.

23 Q. But you did go back to
24 Northwell complaining of headache and right
25 leg pain, correct?

1 S. Linzy

2 A. And back pains.

3 Q. And back pain?

4 A. Um-hmm.

5 Q. And at that time they gave you
6 x-rays that were negative?

7 A. They gave me novocaine patch,
8 and yes.

9 Q. The record continues here. It
10 says that you were ambulating in the
11 emergency room department without
12 assistance, low risk of fracture, no chance
13 of compartment syndrome. Will give
14 orthopedic follow-up information.

15 Is that accurate?

16 MR. KLEIN: Objection. Can
17 you please describe the medical
18 terminology that you are talking
19 about?

20 MR. LEVITES: Absolutely.

21 MR. KLEIN: I will continue to
22 object to questions about the medical
23 records.

24 Q. So this record says that you
25 were walking in the emergency department

1 S. Linzy
2 without assistance, like a cane, a walker
3 or an aide; is that accurate?

4 A. No, that is not accurate.

5 Q. What assistance were you
6 using?

7 A. I had somebody with me. Like
8 a friend.

9 Q. Who was that friend?

10 A. Jasmine.

11 Q. What is Jasmine's last name?

12 A. Eurney.

13 Q. Could you spell that, please?

14 A. E U R N E Y.

15 Q. Were you given orthopedic
16 follow-up information?

17 A. No. They told me to follow-up
18 with a physical therapist.

19 MR. LEVITES: I am turning to
20 Exhibit 9, which is the Bronx medical
21 records.

22 (The above-referred-to
23 document was marked as Defendant's
24 Exhibit 9 for identification as of
25 this date.)

1 S. Linzy

2 Q. There is three visit records
3 here. In this first record with Dr. Dassa,
4 my first question is, was this the
5 orthopedist to whom you were referred by
6 the hospital?

7 MR. KLEIN: Objection.
8 You can answer.

9 A. No.

10 Q. How are you referred to
11 Dr. Dassa?

12 A. They told me to find, I should
13 find a physical therapist. So I Googled
14 physical therapy in the Bronx.

15 Q. You found Dr. Dassa that way?

16 A. Yes.

17 Q. So it says, that your initial
18 consultation you requested pain medication.
19 Why did you do that?

20 A. Because I was in a lot of
21 pain.

22 Q. What kind of pain medications
23 were you seeking, if you were seeking one
24 in particular?

25 A. Maybe some Tylenols or Advils

1 S. Linzy

2 or something.

3 Q. Had you ever taken any pain
4 medication previously?

5 MR. KLEIN: Objection.

6 Can you specify for what?

7 MR. LEVITES: Just generally.

8 I presume she has taken Advil before.

9 But if that was indeed the medication
10 she was seeking.

11 MR. KLEIN: Well, that is not
12 what she testified to.

13 Q. So my question is, had you
14 taken the medications that you were seeking
15 that day previously?

16 A. Before?

17 Q. Yes.

18 A. Yes.

19 Q. And then in the subsequent
20 records you went back the next month in
21 January. It looks like at this time
22 Dr. Dassa was still recommending
23 conservative management by way of physical
24 therapy, chiropractic care and pain
25 management. Do you remember that?

1 S. Linzy

2 A. Yes.

3 Q. You went back the next month,
4 right?

5 A. Yes.

6 Q. So in February, Dr. Dassa
7 noted that you were under the care of
8 Dr. Zirin (phonetic), a chiropractor.

9 Do you remember the Dr. Zirin?

10 A. I remember the chiropractor
11 there.

12 Q. Was the chiropractor at
13 Dr. Dassa's office?

14 A. Yes.

15 Q. Did you get any manipulations
16 from him or anything like that, you know,
17 where he adjusts your back or your neck?

18 A. What do you mean by
19 "manipulation," like adjustments?

20 Q. Yes. Did you treat with the
21 chiropractor?

22 A. Yes, sir.

23 Q. Do you remember how many times
24 you treated with the chiropractor?

25 A. No, it was a number of times.

1 S. Linzy

2 Q. It was a number of times?

3 A. I would think it was probably
4 three times a. Day because every time I
5 would got to PT I would see the
6 chiropractor right before I go home.

7 MR. KLEIN: Threes times a day
8 or three times a week?

9 THE WITNESS: A week.

10 MR. LEVITES: Thank you,
11 counsel.

12 Q. It says that you were being
13 seen by Dr. Hausknecht, the neurologist.

14 But as a point of
15 clarification, you previously testified that
16 you went to Dr. Hausknecht's office because
17 you already were treating with Dr. Gallina
18 for pain management, you never ended up
19 seeing Dr. Hausknecht; is that accurate?

20 A. It's accurate that I never
21 ended up seeing Dr. Hausknecht.

22 Q. Okay. And Dr. Dassa wasn't
23 recommending any surgery for you at that
24 time, right?

25 A. Dr. Dassa recommended pain

1 S. Linzy
2 management with Dr. Datta.

3 MR. LEVITES: That would be
4 our next exhibit, Exhibit 10.

5 (The above-referred-to
6 document was marked as Defendant's
7 Exhibit 10 for identification as of
8 this date.)

9 MR. KLEIN: Counsel, before we
10 move onto the next exhibit, can we
11 take a quick restroom break?

12 MR. LEVITES: Sure. That's
13 fine. It's now 10:57. Let's come
14 back at 11:05.

15 MR. KLEIN: Okay.

16 (A short recess was taken.)

17 MR. LEVITES: We are back on
18 the record. And we have turned to
19 Exhibit 10, which is the records of
20 Dr. Datta.

21 Q. You previously testified that
22 you were referred to Dr. Datta by
23 Dr. Dassa.

24 A. Yes.

25 MR. LEVITES: D A T T A.

1 S. Linzy

2 Q. So I am going to look at a few
3 of these. Dr. Datta gave you an EMG, a
4 nerve conductivity study.

5 Do you remember that?

6 A. Yes.

7 Q. As a result of that EMG, he
8 recommended that you get an epidural in
9 addition to physical therapy; is that
10 right?

11 A. Yes.

12 Q. He prescribed you Flexeril?

13 A. Yes.

14 Q. And that is the muscle relaxer
15 that you ordinarily take?

16 A. Yes.

17 Q. That is the one that you are
18 still taking today?

19 A. Yes.

20 Q. And at page 40, this is the
21 operative report for your first epidurals.

22 August 4, 2020, was that the
23 date of your first epidural, to the best of
24 your recollection?

25 A. You said August?

1 S. Linzy

2 Q. Yes. August 4, 2020.

3 A. That was approximately when.

4 Q. And then at page 52, Dr. Datta
5 gave you a second epidural, December 22,
6 2020; is that right?

7 A. Yes.

8 Q. And you didn't have any other
9 care with Dr. Datta after that, right?

10 A. No. But I recently received
11 an injection two weeks ago and I'm not sure
12 of that doctor's name.

13 Q. We will come back to that in a
14 little bit. I appreciate you flagging that
15 for me.

16 I'm going to turn to exhibit
17 11, which is the complete care records.

18 But my first question before I
19 do that, and I recognize this is difficult a
20 few years down the line, but do you remember
21 what relief, if any, you got from the first
22 two epidurals in August and December of
23 2020?

24 A. The relief was kind of mostly
25 in my legs. But after two weeks it came

1 S. Linzy

2 back at like an extreme level.

3 Q. This was a risk that they had
4 discussed with you prior to the epidural,
5 correct?

6 A. What is the risk?

7 Q. The risk that the pain would
8 recur in a period of weeks?

9 A. Yes. They me there was a
10 chance that it would. They told me it was
11 supposed to be for temporary relief.

12 MR. LEVITES: I'm turning to
13 Exhibit 11, which is the Complete Care
14 records. This is the record of
15 treatment with one Dr. Asaro.

16 (The above-referred-to
17 document was marked as Defendant's
18 Exhibit 11 for identification as of
19 this date.)

20 Q. Do you remember Dr. Asaro?

21 A. Is that the doctor's last
22 name?

23 Q. Yes, that's right. Let's see
24 here. I have to find it first. Dr. Regina
25 Asaro.

1 S. Linzy

2 Do you remember that, February
3 of 2020?

4 A. No.

5 Q. It looks like it was in the
6 Bronx office.

7 A. Would you mind telling me --
8 because I see as you go by that Dr. Haus's
9 (sic) name is there as well. Is that in
10 the same office?

11 Q. Yes. Dr. Hausknecht is
12 mentioned here. I don't believe he is in
13 the same office but let's see.

14 A. Because the only thing I can
15 say, that maybe is when I went to -- is
16 when I was sick, I went to Dr. Hausknecht.

17 I waited there for a while, a
18 couple of hours, maybe about three hours.
19 They said that he had left. So they sent me
20 in to see another doctor. And when that
21 doctor explained to me that they were pain
22 management, I told them that I was already
23 seeing pain management with Dr. Datta, so we
24 ended that visit.

25 Q. So it looks like you went to

1 S. Linzy

2 go see Dr. Hausknecht in February of 2020,
3 he was out, and then they had you see
4 Dr. Asaro. Does that sound right?

5 A. Yes, that sounds right. I
6 didn't remember the doctor's name, but yes.

7 Q. Do you remember that it was a
8 woman?

9 A. Yes.

10 Q. So that is why you didn't
11 follow-up with Dr. Hausknecht obviously?

12 A. Yes.

13 Q. The doctor prescribed you a
14 TENS unit. Do you remember that?

15 A. What is a TENS unit?

16 Q. A TENS unit, you know, I got
17 my medical degree in law school, we always
18 joke. But it's like some kind of
19 electrical box.

20 A. Oh, yeah.

21 Q. And you plug it in and it
22 gives you nerve stimulation. It's supposed
23 to reduce the sensation of pain and stuff.
24 Do you remember getting prescribed that?

25 A. Yes.

1 S. Linzy

2 Q. Did you use it?

3 A. Yes.

4 Q. Did it give you any relief or?

5 A. It would relieve along with,
6 you know, hot packs. It would relieve
7 momentarily. But the pain would just come
8 right back. It never was a complete relief
9 even for the entire day.

10 Q. Just more something to use
11 maybe at the end of the day, you know, when
12 your pain is worse or in the beginning
13 before you start, something like that?

14 A. Yes, just like for the
15 stimulation.

16 Q. She says there were no -- she
17 says somewhere here, if I can find it, that
18 you had no other -- it says no previous
19 accidents or prior surgical history as of
20 this date, February of 2020; is that
21 accurate?

22 A. Say that again, please. I'm
23 sorry.

24 Q. So here it says no previous
25 accidents, and it says your prior surgical

1 S. Linzy

2 history was you had two surgeries as a
3 child, in childhood. So is that accurate?

4 A. Yes. And, excuse me, where it
5 say tonsillectomy, that is supposed to say
6 at 16.

7 Q. Thank you. No issues with the
8 tonsillectomy, I assume?

9 A. No.

10 MR. LEVITES: I'm going to go
11 to Exhibit 12, which is Dr. Ranga
12 Krishna, K R I S H N A. That is on
13 Wilkinson Avenue in the Bronx.

14 (The above-referred-to
15 document was marked as Defendant's
16 Exhibit 12 for identification as of
17 this date.)

18 Q. That is pretty close to where
19 the accident occurred, right?

20 A. Yes.

21 Q. I know Wilkinson is somewhere
22 around there. I think it might even be on
23 the BX12, right?

24 A. It's on Westchester, like up.

25 Q. Do you remember Dr. Krishna at

1 S. Linzy

2 all, Dr. Ranga Krishna?

3 A. Yeah, I remember going there
4 one time.

5 Q. Do you know who referred you
6 to that provider?

7 A. If I'm not mistaken -- no.
8 Because I don't know who referred me there.
9 But the only time I went to somebody else
10 was when I was referred from Dassa or
11 referred from Datta.

12 Q. So as of September of 2020
13 when you saw Dr. Krishna, she recommended
14 you continue with physical therapy, right?

15 A. Talking about this doctor here
16 that we are seeing?

17 Q. Yes. This doctor here. I
18 apologize. I have to scroll back down.

19 Patient should continue
20 physical therapy two to three times per
21 week. Follow-up in four weeks for further
22 assessment.

23 A. Yes.

24 Q. Do you remember her
25 recommending physical therapy?

1 S. Linzy

2 A. Yes. She asked me was I
3 taking physical therapy, and I remember her
4 telling me to continue.

5 Q. She asked you to follow-up
6 with her, did you do that?

7 A. I never seen that doctor
8 again.

9 MR. LEVITES: Okay. I'm going
10 to turn to Dr. Gallina's records here.
11 G A L L I N A. This is marked as
12 Exhibit 13.

13 (The above-referred-to
14 document was marked as Defendant's
15 Exhibit 13 for identification as of
16 this date.)

17 Q. So you previously testified
18 all of your referrals were from Dr. Dassa
19 or Datta, so this would be the same?

20 A. Yes. I was referred to
21 Dr. Gallina from Dr. Datta.

22 Q. And at page 13 here, this was
23 in September of 2020, Dr. Gallina was
24 recommending conservative management and a
25 consult for another epidural.

1 S. Linzy

2 Do you remember that?

3 A. Yes. That was right before I
4 got the second epidural.

5 Q. And at page 19, it mentions
6 that you were treated with, among other
7 things, acupuncture and chiropractic care.
8 So we talked about the chiropractic, that
9 was at the PT's office.

10 But with respect to
11 acupuncture, was that also with the physical
12 therapist?

13 A. Yes.

14 Q. So you would get -- was that
15 every session like with the chiropractic
16 adjustments?

17 A. No.

18 Q. So like every other, every
19 third, something like that?

20 A. I would say every other,
21 because sometimes they would do the
22 acupuncture and then other times they would
23 do the electro stim. They had the machine
24 there themselves, they would put the
25 patches on me.

1 S. Linzy

2 Q. Okay. And then at page 22, it
3 states that with respect to both the lumbar
4 and cervical disks that conservative
5 treatment included pilates and/or yoga.

6 So my question is, is that the
7 same as the chiropractic and the
8 acupuncture, that was part of your PT as
9 well?

10 A. I would say part of my
11 physical therapy.

12 Q. So you were practicing the
13 pilates and yoga in the physical
14 therapist's office?

15 A. Yeah, like the stretches and
16 stuff like that. Yeah.

17 Q. But there was no other place
18 where you were doing pilates and Yoga?

19 A. No.

20 Q. It says this was the point at
21 which you were recommended to proceed with
22 a spinal surgery. Do you remember that?

23 A. Yes.

24 Q. Was this the first time that
25 surgery was proposed to you by any doctor?

1 S. Linzy

2 A. Like basically asking me if I
3 wanted surgery?

4 Q. Yes.

5 A. That was the first time I was
6 asked if I would accept surgery.

7 Q. Okay.

8 A. Can I ask something?

9 Q. Please.

10 A. It had been brought up, that
11 if the injections didn't work, it would
12 have been the consideration, but the first
13 time I was asked by Dr. Gallina was here.

14 Q. At page 27, Dr. Gallina
15 advised of the risks of the surgery,
16 including that your condition could worsen.
17 Do you remember that?

18 A. I remember him telling me
19 there was a 50 percent chance that it would
20 alleviate the pain.

21 Q. Did he explain that there was
22 a chance that the pain would get worse?

23 A. As far as worse, he didn't say
24 the word "worse." But, you know, he did
25 say that there was a 50 percent chance that

1 S. Linzy

2 it would alleviate the pain. But,
3 otherwise, it just wouldn't basically.

4 Q. Because it says here in his
5 records, the risk include, new back pain,
6 new leg pain, numbness, tingling, weakness,
7 infection, et cetera, et cetera.

8 Do you remember him telling you
9 about those risks in particular?

10 A. As far as my back and leg
11 pain, yeah.

12 Q. On April 6, 2021 you underwent
13 the surgery. Do you remember that?

14 A. Yes.

15 Q. Where was that surgery, where
16 was the operation performed?

17 A. On my lower spine.

18 Q. Was it in Manhattan, the
19 Bronx?

20 A. At NYU in Manhattan.

21 Q. At the hospital?

22 A. Yes.

23 Q. You saw Dr. Gallina again in
24 June of '22, do you remember that?

25 A. After the surgery, I seen him

1 S. Linzy

2 again before June '22.

3 Q. Okay. So that would have
4 been -- let's see, do you remember when you
5 saw him after, between April of 2021 and
6 June '22?

7 A. I don't remember the date, but
8 I know it was a few weeks after. He wanted
9 to check the healing. You know, he just
10 basically checked the incision and the
11 healing process of it.

12 Q. Understood. I see a May 16,
13 2022 lumbar spine MRI. Does that sound
14 like it might have been the right date?

15 A. No, because I didn't have the
16 MRI the same day. He literally just
17 checked the incision.

18 Q. Okay. All right. So I will
19 take a look and see if we can figure out
20 what date that was later.

21 But he checked the incision, it
22 was unremarkable at that time as far as you
23 remember?

24 A. He said it was healing and to
25 just continue to clean it and gauze, like

1 S. Linzy

2 patch it up with the gauze and stuff.

3 Q. So turning to this June 2022
4 record, this was the next time you saw him
5 after the visit we just discussed, in which
6 you were recommended to continue cleaning
7 and changing your dressing?

8 A. I cannot tell you the date.
9 I'm sorry.

10 Q. That's fine. So Dr. Gallina
11 said that as a result of the surgery your
12 left leg pain was largely resolved at that
13 time. Is that accurate?

14 A. Say that again, I'm sorry.

15 Q. So you will see Dr. Gallina
16 noted here that after the surgery, you
17 weren't complaining of left leg pain and
18 resolving?

19 A. Directly after the surgery,
20 no.

21 Q. Was there a resolution of your
22 symptoms by June, you know, within two
23 months of the surgery?

24 A. What do you mean a
25 "resolution"?

1 S. Linzy

2 Q. So it says here that you
3 weren't complaining of left leg pain as of
4 June 22, '22; is that accurate?

5 A. Yeah, that is accurate up
6 until months after, maybe a couple of
7 months after. It started to have numbness
8 again.

9 Q. So you got some relief from
10 interval after the surgery to some months
11 after the surgery, at which point you
12 started having left leg symptoms again; is
13 that fair to say?

14 A. Yes.

15 Q. But as of this time June of
16 2022, it's accurate that right leg symptoms
17 were your main complaint?

18 A. Yes.

19 Q. At page 40, the doctor says
20 that you are currently living in Georgia
21 and coming back to NYU for treatment and
22 you were recommended to continue physical
23 therapy there.

24 So my first question is, you
25 were living in Georgia at this time, in June

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S. Linzy

of 2022?

A. Yes.

Q. When did you move to Georgia?

A. June of 2022.

Q. How long did you stay in
Georgia?

A. As far as when I moved back to
New York?

Q. Yes.

A. I moved back to New York --
I'm sorry, I moved to Georgia in June of
2021, a couple of months after the surgery.
So I just came back to New York in August
of '22.

Q. So a little over a year in
Georgia. Yes?

A. Yes.

Q. Where were you living in
Georgia?

A. Marietta, Georgia.

Q. What brought you to Georgia,
was it employment, family?

A. I needed help after the
surgery that I couldn't get here. So I

1 S. Linzy

2 went there to get the assistance and the
3 help from someone.

4 Q. Was that family, friends,
5 medical providers?

6 A. Umm, I mean like physically at
7 home there was a lot that I couldn't do.
8 So there was a friend, yeah.

9 Q. So you moved in with a friend
10 in Marietta in June of 2021 after the
11 surgery to recuperate; is that fair to say?

12 A. Yes.

13 Q. Why did you move back in
14 August of 2022?

15 A. Mainly because -- yeah, I was
16 taking physical therapy out there, but I
17 needed pain management. It was already
18 becoming too hard traveling back and forth.
19 And that friend couldn't help me anymore,
20 so...

21 Q. So when you were recommended
22 you continued physical therapy in Georgia,
23 and you did so, correct?

24 A. Yes, yes.

25 Q. And let me know if you need to

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S. Linzy

take a break, get a drink of water. You know, we have all the time and there is no pressure.

A. No, I don't need to.

MR. LEVITES: Okay. I am turning to Team Rehab, which is Exhibit 14.

(The above-referred-to document was marked as Defendant's Exhibit 14 for identification as of this date.)

Q. This is the records of your rehabilitation in Georgia, correct?

A. Yes.

Q. Team Rehab. At page five, you will note that it describes a number of things here.

One of the things it lists are your current deficits as of your initial evaluation in September of 2021.

So I would like you to review those deficits and let me know if they are accurate as of September of 2021 (indicating).

1 S. Linzy

2 Let me see if I can magnify
3 this a little(indicating).

4 A. Yes, it's accurate.

5 Q. There is a few other things
6 here. It says beginning here, on following
7 surgery, it states following surgery,
8 started PT for a couple of weeks, came down
9 to Atlanta in July, has not done any PT or
10 formal treatment since then, taking Tylenol
11 and Advil PRN, but not getting a lot of
12 help. Heat helps with the pain and spasms
13 as well as resting in a reclined position.

14 Did I read that correctly?

15 A. I'm sorry, can you read that
16 again?

17 Q. That's okay. If you can just
18 read beginning with this word following,
19 through to the end of the paragraph and let
20 me know when you have done so.

21 I can blow it up a little more
22 (indicating).

23 A. (Reading).

24 It's accurate. It's
25 everything, except for July. I got there in

1 S. Linzy

2 June.

3 Q. And was the delay in securing
4 physical therapy in this time, was that
5 just finding a complainant provider?

6 A. You said the delay? Like, you
7 mean the gap in between or something like
8 that?

9 Q. Exactly.

10 A. I was looking for a physical
11 therapist. Like out there I was fairly
12 new, so I didn't really know anybody. I
13 was just trying to find.

14 Q. Understood. And then this
15 record also says, comorbidities has had two
16 hand surgeries due the leg giving out of
17 fracturing three bones in her hands.

18 Is that accurate?

19 A. Yes.

20 Q. So could you tell me a little
21 bit about those two hand surgeries?

22 A. I was getting out of bed and
23 it wasn't my bed, my own bed. The bed was
24 kind of higher and when I went to get out
25 the bed my leg literally like gave out, it

1 S. Linzy

2 was like numb.

3 So when I wand went to catch
4 myself I did catch myself. But I kinda like
5 slammed my hand down on the dresser to try
6 to catch myself. And I must've hit the
7 edge, my hand broke.

8 Q. So you needed corrective
9 surgery for broken bones in your hands,
10 bracing yourself?

11 A. Yeah.

12 MR. KLEIN: I am going to
13 object to this line of questioning.
14 We are not claiming any hand injuries
15 with respect to this case.

16 MR. LEVITES: Understood.

17 Q. The reason I am asking, Miss
18 Linzy, is just because it implicated your
19 leg. So I'm curious which leg it was, if
20 you remember?

21 MR. KLEIN: Objection.

22 You can answer.

23 A. No, I don't remember. I just
24 remember feeling like I was going to fall.
25 So I just did what I needed to do to catch

1 S. Linzy

2 myself.

3 Q. Understood. What were the
4 dates of those surgeries?

5 MR. KLEIN: Objection.

6 Q. If you know?

7 MR. KLEIN: Hand surgeries
8 that are not related to this accident.

9 I am instructing her not to
10 answer, counsel.

11 Q. Were these surgeries before or
12 after the accident in this case?

13 A. After.

14 Q. You will notice it describes
15 your prior level of function there in that
16 same paragraph. Do you see that?

17 MR. KLEIN: Objection.

18 Q. In this document.

19 A. Am I able to see that, yes.

20 Q. If you could read that section
21 beginning with, prior level of function
22 through the word cardio. And let me know
23 when you have done so.

24 MR. KLEIN: Objection.

25 Objection to any line of

1 S. Linzy

2 questioning with respect to these past
3 surgeries that have nothing to do with
4 the injuries in relation to this case.

5 MR. LEVITES: Counselor, I'm
6 no longer inquiring with respect to
7 that.

8 MR. KLEIN: I apologize.

9 THE WITNESS: I read it.

10 Sorry.

11 Q. So you see there, it says you
12 had a very active life-style, the gym three
13 times per week.

14 A. Um-hmm.

15 Q. It says that your prior level
16 of function included weight training and
17 not much cardio. Is that accurate?

18 MR. KLEIN: Objection.

19 A. Oh, weight training, yes. I
20 did cardio, but I just didn't do as much
21 cardio as I did weight training.

22 Q. Me too. It's much more fun to
23 be lifting weights in the gym.

24 A. I just needed more weight
25 training.

1 S. Linzy

2 Q. So with respect to the weight
3 training, what kind of lifting did you do,
4 like what weights, what exercises, free
5 weights, machines, that kind of thing?

6 A. Dumbbells.

7 Q. Dumbbells?

8 A. Um-hmm.

9 Q. Mostly upper body, lower body?

10 MR. KLEIN: Counsel, I'm just
11 going to ask for a brief recess here.
12 Thank you.

13 MR. LEVITES: Absolutely.

14 Q. If you can just answer the
15 question, Miss Linzy. Is that upper body
16 or lower body?

17 A. Upper body.

18 MR. LEVITES: Let's come back
19 in ten minutes. Is that good?

20 MR. KLEIN: That's good.
21 Thank you.

22 MR. LEVITES: We will be back
23 on at 11:46.

24 (A short recess was taken.)

25 Q. We are back on the record

1 S. Linzy

2 here, we are looking at Exhibit 14, which
3 is the Team Rehab records.

4 So one of the questions I
5 wanted to ask you on your 16th visit there
6 is a note here, the first question is that
7 the record notes that you missed nine visits
8 due to not feeling well, difficulty with
9 your ride and work hours.

10 So taking those in turn, the
11 work hours, is that your January to February
12 job we were talking about at the call
13 center?

14 A. Yeah, that was the one from
15 January to February.

16 Q. And what were the difficulties
17 you had with the ride getting there?

18 A. I didn't have anyone to take
19 me, a ride, period. No way to get there at
20 all some days.

21 Q. Right. You just have the
22 permit exactly. So it make sense.

23 A. Um-hmm.

24 Q. And then at that same visit,
25 it's noted that, it says that you were

1 S. Linzy

2 working overtime in that job, like long
3 seated periods. Do you remember that?

4 A. Working overtime at a job?
5 The job that I was working was a work at
6 home job. So you had to sit at home.

7 MR. KLEIN: He is asking you
8 questions with respect to reading the
9 document in front of you.

10 So if you see something about
11 whatever he is reading, you can say
12 yes. But there is no pending question
13 as to what you were working on.

14 THE WITNESS: Okay.

15 Q. So my question is, do you
16 remember working for long seated periods
17 during that time?

18 A. Do I remember working for long
19 seated periods?

20 Q. Yes.

21 A. No, I would personally take
22 breaks.

23 Q. Did working this job in
24 January and February of '22 worsen your
25 symptoms at all?

1 S. Linzy

2 A. Yes.

3 Q. And at page 106 it's noted
4 that since last year she went back to NY
5 and saw the surgeon. And he did another
6 MRI and he said there is nothing that he
7 needs to go back in for. States that the
8 nerves are compressed, but not something
9 that needs surgery, recommend pain
10 management, physical therapy and epidurals.

11 So my question is, is this note
12 in the record here referring to when you
13 went back to New York in June of 2022 and
14 consulted with Dr. Gallina?

15 A. Can I read it again, please?

16 Q. Yes, please take your time.

17 A. Yes. When I went back for the
18 visit with Dr. Gallina this is what he told
19 me; pain management, physical therapy and
20 consider another epidural injection.

21 Q. It looks like this was your
22 last visit. It looks like this is 8/18/22.

23 Does that sound like the last
24 time that you treated at Team Rehab,
25 August 18, 2022?

1 S. Linzy

2 A. I'm not sure of the exact
3 date, but I think so.

4 Q. So this last record it says
5 that -- this describes your current
6 deficits at least as of September of '22.

7 Do you see where it says,
8 current deficits?

9 A. Um-hmm.

10 Q. If you can read that section
11 to yourself and let me know when you have
12 done so.

13 A. Okay.

14 Q. Is this a description of your
15 deficits as of August of '22 accurate, to
16 the best of your recollection?

17 A. No.

18 Q. What part is inaccurate?

19 A. I cannot stand for no 45
20 minutes straight.

21 Q. And you couldn't in August of
22 '22 either?

23 A. No.

24 Q. So what would be a better
25 description?

1 S. Linzy

2 A. As far as number one, line
3 one?

4 Q. Yes, please.

5 A. I can maybe stand for about 20
6 minutes before I have to, you know, sit
7 down, or, you know, stretch my legs, kind
8 of get to my legs real quick.

9 Q. I apologize, Miss Linzy. I
10 should have said in the beginning, but if
11 you want to stand, walk around, anything
12 that makes you more comfortable, recline,
13 all of that is fine while we are asking our
14 questions. There is no need for you to be
15 uncomfortable while we are sitting here.

16 A. Yeah, that is why I kind of
17 been like, you know, maneuvering myself and
18 adjusting myself throughout the deposition.

19 Q. Understood. Please feel free
20 to continue doing so or anything else that
21 makes you more comfortable here today.

22 A. Yes. Before we actually leave
23 this complete document, can we revisit
24 something?

25 Q. Absolutely. Is there a

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S. Linzy

section that you would like me to turn to
that we previously looked at?

A. Yes, I would.

Q. Which one was that? We looked
at the section in --

A. Prior level functioning.

Q. Prior level functions. Okay.

A. In reading the prior level
functions, it doesn't specify whether they
are saying prior to the accident.

Q. Oh, Miss Linzy, to be clear, I
wasn't trying to imply or give the
implication that you were able to lift
60-pounds after the accident, or stand for
eight hours when you have just testified
you could only stand for 20 minutes.

I appreciate the clarification.

A. Yeah, I just wanted to be
clear.

Q. Of course. To be clear for
the record, on this page five of the Team
Rehab records, the prior level of function
and my inquiries thereto refer to the
plaintiff's prior level of function prior

1 S. Linzy

2 to December 5, 2019.

3 And the witness has testified,
4 and I understand that the current deficit
5 section describes her deficits as of
6 presentation to Team Rehab on 9/23/2021.

7 A. Thank you. I just wanted to
8 be clear.

9 Q. Thank you, Miss Linzy.

10 MR. LEVITES: So now we are
11 going to turn to the next one, which
12 is CitiMed. So there is just a few
13 here.

14 (The above-referred-to
15 document was marked as Defendant's
16 Exhibit 15 for identification as of
17 this date.)

18 Q. So this was after you moved
19 back to the Bronx, right?

20 A. Yes.

21 Q. And how did you find CitiMed?

22 A. I was talking to Dr. Gallina,
23 and he said that I needed to find pain
24 management. So once again I Googled. And
25 I found that CitiMed had good reviews, so I

1 S. Linzy

2 went there.

3 Q. Excellent. Okay. So at page
4 five in the history of present illnesses
5 here, it's described that as per the
6 patient, the surgeries and the injection
7 did not provide significant pain relief.

8 So I have two questions. The
9 first is, this should be referring to
10 injections, correct?

11 A. Yes, injections.

12 Q. And the second thing is, is
13 this accurate, that as of this date,
14 September '22, the surgeries and the
15 injections had not provided significant
16 pain relief?

17 A. Exactly.

18 Q. On page eight, this is a
19 consultation record from November of '22.

20 Okay. I had the wrong page
21 here.

22 So on page seven, this is the
23 record from September of '22. And it states
24 that the doctor discussed various treatment
25 options with you, and stated that it appears

1 S. Linzy

2 to me that the patient is suffering from
3 post-laminectomy syndrome.

4 Do you remember that being
5 discussed with you in September of '22?

6 A. Yes.

7 Q. Did they explain what
8 post-laminectomy syndrome is?

9 A. Something about it failing,
10 the surgery failing, or something like
11 that.

12 Q. That is about as much as I
13 know, Miss Linzy. But that is my
14 understanding of it as well.

15 So did Dr. Gallina explain that
16 this could be a potential consequence of
17 this surgery?

18 A. No, I haven't spoken to
19 Dr. Gallina after. I haven't seen
20 Dr. Gallina yet, after seeing the people at
21 CitiMed.

22 Q. And then at pages 10 to 11, it
23 discusses some testing that they did. And
24 specifically it states that in respect of
25 your cervical spine and your lumbosacral

1 S. Linzy
2 spine that the muscle strength was five out
3 of five muscle groups tested.

4 Do you remember the muscle
5 testing at the office at CitiMed?

6 A. No. What is --

7 MR. KLEIN: Can you clarify,
8 counsel, if you don't mind?

9 MR. LEVITES: Absolutely.

10 Q. My impression is that they
11 probably did some kind of testing where
12 they held your arm or back and asked you to
13 flex or move in various ways, and then
14 measured your ability to resist, you know,
15 your muscular ability to resist.

16 So they may have held your back
17 and asked you to lean to the left or held
18 your arm and asked you to, you know, pull
19 your arm up or something like that.

20 Do you remember them doing
21 anything like that at this visit?

22 A. Yeah, I remember them
23 assisting me with moving different limbs,
24 them doing different things like that.

25 Q. Okay. Do you remember them

1 S. Linzy

2 remarking on your muscular strength at all
3 at that time?

4 A. What do you mean? What do you
5 mean, "remarking on"? I'm sorry.

6 Q. Like if they made any notes,
7 like they said, your muscles are weak or
8 your muscles are strong, or they have
9 improved or they have weakened or anything
10 like that?

11 A. No, not to me directly.

12 Q. The reason I'm asking,
13 Miss Linzy, is just because it notes your
14 muscle strength here. Obviously, you did
15 many weeks of physical therapy. So I was
16 inquiring to see if you know if that had
17 resulted in any improved strength or
18 anything like that.

19 Did you have any feeling that
20 the physical therapy improved your strength
21 and flexion and things like that?

22 A. No. I didn't have any
23 feeling. Because, honestly, like I was
24 always in pain, you know.

25 Q. Okay. So even though you were

1 S. Linzy

2 still in pain, did you have any -- did you
3 feel like you had more flexibility or
4 strength?

5 A. In my neck, I can kind of move
6 it a little further. But other than that,
7 no.

8 Q. And then in December of '22,
9 it was noting that your principle diagnoses
10 were cervical and lumbar sprain, with the
11 recommendation of physical therapy three
12 times a week thereafter.

13 My question is, did you pursue
14 physical therapy three times a week
15 thereafter?

16 A. I pursued physical therapy
17 until -- and then the last time I went in
18 they told me I had to go back to
19 Dr. Gallina to get a referral. And that is
20 what I'm waiting for.

21 Q. Understood. Okay. And you
22 had mentioned, and I have been given an
23 understanding that you have had some
24 additional treatment since December of '22.
25 Specifically an injection two weeks ago; is

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S. Linzy

that right?

A. Yes, on the 9th of this month.

MR. LEVITES: February 9th.

Q. So was this at Dr. Gallina's
office?

A. No.

Q. Where was it?

A. It was in New Jersey.

Q. Was it Dr. Dassa that was in
New Jersey?

A. I'm not sure.

Q. One of them was in
Saddlebrook, right?

A. Yeah, one was in Saddlebrook.
This one was --

Q. I'm sorry.

A. Sorry?

Q. I was saying, this isn't the
Saddlebrook one?

A. I'm not sure if that was
Saddlebrook, because the first two
injections, I got them both in New Jersey
but at two different locations. And this
one was a familiar location to the first

1 S. Linzy

2 injection that I received.

3 Q. Okay. That is helpful. So
4 it's probably Dr. Dassa, I believe, or his
5 office rather. But it wasn't a doctor that
6 you had recognized giving you the
7 injection?

8 A. I didn't even see the doctor.
9 I just seen the nurses.

10 Q. But the facility itself was
11 familiar?

12 A. Yes.

13 Q. Have you treated with any
14 other doctors, other than your epidural
15 injection on February 9th, between December
16 '22 and the present date?

17 A. Umm, at CitiMed, the pain
18 management doctor.

19 Q. And do you think you saw them
20 in January, February, both?

21 A. That was probably the end of
22 December, maybe, approximately.

23 Q. And that might be this record
24 here, December 19th, does that sound right?

25 A. Yeah, it could have been.

1 S. Linzy

2 Q. To the best of your
3 recollection, you went from this December
4 19 visit to your February 9 epidural
5 injection in New Jersey without any
6 intervening other care, correct?

7 A. Correct.

8 MR. LEVITES: I'm turning to
9 exhibit -- I apologize, the PDF are
10 mis-numbered.

11 MR. KLEIN: Just to clarify,
12 are you referring to any physical
13 therapy as well that was done between
14 that December 9th visit?

15 MR. LEVITES: Absolutely. I
16 should clarify that. I appreciate the
17 clarification, counsel.

18 Q. If you treated with anyone
19 else; like physical therapy, chiropractic,
20 anything like that?

21 A. Between?

22 Q. Yes, between December 19 and
23 the present date?

24 A. No. I told you I was waiting
25 on Dr. Gallina's referral.

1 S. Linzy

2 Q. That's right.

3 MR. LEVITES: Thank you,
4 counsel. Thank you, Miss Linzy.

5 I'm going to turn to what
6 should be Exhibit 16, but the PDF says
7 it's 17. I apologize for that.

8 This is an IME, an Independent
9 Medical Examination dated January 14,
10 2021, by one Elizabeth Ortof on the
11 Upper West Side. O R T O F.

12 (The above-referred-to
13 document was marked as Defendant's
14 Exhibit 16 for identification as of
15 this date.)

16 Q. Do you remember going to
17 Dr. Ortof's office?

18 A. Yes.

19 Q. I just have a few questions
20 about Dr. Ortof's report.

21 So the first is she reviewed a
22 couple of records. We have gone through
23 many of these today. I just wanted to ask
24 you about a few.

25 The first is this Nagendra Shan

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S. Linzy

record, dated October 8, 2020.

Do you know who that is?

A. I don't recognize that name.

Q. I didn't recognize it either in the records either.

I am wondering if it might be one of your other practitioners, like Dr. Shaw perhaps, and it's like a mistype? But we will follow up on that.

The second one I want to ask you about is the IME report dated 1/5/21 by Ernesto Seldman.

Do you remember consulting with anyone named Ernesto Seldman?

A. No, I don't remember that name.

And can you explain to me what an IME report is?

Q. Of course, yes. An IME is what you did with Dr. Ortof. So you go into their office, they will examine you, they might look at your records, they might ask you some questions about the accident. And then they will prepare this report

1 S. Linzy

2 which is used in the litigation.

3 This IME report, it says that
4 there is an IME report dated January 5, 2021
5 from Ernesto Seldman.

6 I understand that to mean that
7 you -- this doctor reviewed a record with
8 someone named Dr. Seldman, who you saw on
9 January 5, '21.

10 This may have been erroneously
11 included or something like that, so that is
12 why I'm asking.

13 Do you remember seeing a
14 Dr. Seldman?

15 A. No, I don't.

16 Q. This would have been
17 someone -- it looks like it was just two
18 weeks before Dr. Ortofo. So do you remember
19 seeing some other doctor right around the
20 time that you saw Dr. Ortofo?

21 A. No, I don't remember.

22 Q. So maybe that is another
23 erroneous inclusion there.

24 And then the last thing I want
25 to ask you about is Dr. Ortofo's conclusions

1 S. Linzy

2 here.

3 She says there is no clear
4 evidence on exam of cervical radiculopathy,
5 she's capable of performing all activities
6 of daily living that do not involve lifting,
7 pushing or pulling over ten pounds from a
8 neurological perspective. The claimant is
9 not capable of returning to work as a sushi
10 chef at the current time because it involves
11 lifting fish weighing over 70 pounds.

12 And my question is, is that
13 accurate?

14 A. I'm sorry, I'm reading it
15 over.

16 Q. Please. And while you are
17 reading it I would like to note that my
18 question is, is that accurate as of January
19 '21, when you visited Dr. Ortoft?

20 A. No, it is not accurate.

21 Q. Which part is inaccurate?

22 A. Umm, I couldn't do cleaning or
23 like cooking and stuff at home.

24 Q. So some tasks involving
25 lifting, pushing, pulling of less than ten

1 S. Linzy

2 pounds you were still limited?

3 A. Yes.

4 Q. My second question is, is this
5 statement accurate as of today?

6 A. Yes, it's accurate as of
7 today.

8 MR. KLEIN: Do you understand
9 that question, Shaarille?

10 Q. To be clear, your counsel is
11 pointing out as of January of 2021 this
12 statement was not accurate, because you
13 were still limited in cooking and so forth.

14 When I ask you is it accurate
15 today, my question is, is it true that as of
16 today, February 21, 2323, you are capable of
17 all activities of daily living that do not
18 involve lifting, pushing or pulling more
19 than ten pounds?

20 A. Not all activities.

21 Q. So you have the same
22 limitations now as you did in January of
23 '21. Meaning you are still limited in some
24 cooking and household tasks that involve
25 lifting, pushing, pulling of less than ten

1 S. Linzy

2 pounds?

3 A. Yes.

4 MR. LEVITES: I just have two
5 more short exhibits and then we should
6 be done.

7 This next one is a picture
8 that was produced in litigation.

9 (The above-referred-to
10 photograph was marked as Defendant's
11 Exhibit 17 for identification as of
12 this date.)

13 Q. I just wanted to ask you if
14 you know what the picture is of, who took
15 the picture, and when it was taken?

16 And you can answer those
17 questions in any order you would like
18 (indicating).

19 A. The picture is of the incision
20 on my back. I don't remember who took it.
21 I don't remember exactly when it was taken.

22 MR. LEVITES: I understand. I
23 apologize. I'm not trying to tell
24 you. I'm just trying to make sure
25 that we authenticate this photograph.

1 S. Linzy

2 The very last thing I would
3 like to show you, Miss Linzy, I
4 haven't marked this as an exhibit.

5 I will provide it to you,
6 counsel.

7 Q. But I would like to just make
8 sure that I have this, that I have a better
9 understanding of where, how this accident
10 took place.

11 So I have two pictures here
12 that I just pulled from Google maps today.

13 And my question is, this first
14 picture I'll represent to you depicts the
15 intersection of Bruckner Boulevard and
16 Westchester Avenue with the BX12 stop nearby
17 it.

18 So my question is, is this the
19 intersection where the accident occurred?

20 A. No.

21 Q. So it's not in the crosswalk
22 that is crossing Bruckner that is depicted
23 on the right foreground of this photograph?

24 A. No.

25 Q. It's a separate intersection?

1 S. Linzy

2 A. Yes.

3 Q. And then this second picture
4 is a picture of the Q50 stop on Bruckner
5 Boulevard. This isn't the Q50 stop to
6 which you were referring to in your
7 deposition testimony; is that right?

8 A. Not the one that is furthest
9 to the left, but the one towards the right
10 in your picture.

11 Q. So I'm drawing a square. Are
12 you saying this is the Q50 stop involved
13 that is the subject of this litigation
14 (indicating)?

15 A. Yes.

16 Q. Okay. So this is the Q50 stop
17 you were heading towards at the time of
18 your accident?

19 A. Yes.

20 MR. KLEIN: Counsel, could you
21 just hold on questioning, because
22 these photographs were not shared
23 beforehand and I just want to take a
24 look.

25 MR. LEVITES: Sure. Can we go

1 S. Linzy

2 off the record?

3 MR. KLEIN: Yes.

4 [A discussion was held off the
5 record.]

6 Q. Miss Linzy, we have looked at
7 these two photographs, and you have
8 explained to me that the square that I've
9 drawn, which I will now try and do in a
10 permanent format so that you and your
11 counsel can refer to it (indicating).

12 So I've drawn a red rectangle.
13 So the red rectangle in the center of this
14 picture depicts the Q50 stop to which you
15 were walking at the time of this incident
16 (indicating)?

17 A. Yes.

18 MR. LEVITES: I think we are
19 done with our exhibits for now. I
20 just have a few more questions.

21 Q. Have you been to this
22 intersection since the accident?

23 A. Unfortunately, yes.

24 Q. Do you know if they moved any
25 of the bus stops around or changed the

1 S. Linzy

2 arrangement of the intersection?

3 A. Not that I know of.

4 Q. Have you had any problems with
5 your lumbar spine or cervical spine prior
6 to December 5, 2019?

7 A. No.

8 Q. Were there any other ways that
9 this accident affected you other than the
10 ways we have discussed so far in today's
11 deposition?

12 A. You mean as far as physically?

13 Q. Physically or otherwise.
14 Anything that we haven't talked about today
15 yet.

16 A. I mean, it's affected me in
17 many ways. Like it changed my life
18 completely. Like, I don't do -- I can't do
19 none of the things I used to do. And I
20 can't even like provide for myself. I
21 can't even get out there. It changed a lot
22 like.

23 You know, things, it's
24 embarrassing cause like, because at some
25 point people had to help me take a shower.

1 S. Linzy

2 I used to be a chef, I love
3 cooking. I can't do that no more. You know
4 what I'm saying? I can't go out, because
5 it's like who wants to go out and have to
6 find ways to be comfortable, to stand up, to
7 sit down and move like.

8 I was very active, and just not
9 no more, especially due to like the pain.
10 Socially, it's affected me socially; it's
11 affected me mentally, it's affected me
12 emotionally.

13 Q. Thank you, Miss Linzy. So I
14 just have a few bookends and then I will be
15 done for the day.

16 My first of these bookends is,
17 have you understood all of my questions
18 today?

19 A. For the most part, the ones
20 that I didn't you explained.

21 Q. Okay. Is there anything else
22 that you want to tell me about this
23 incident that we haven't talked about yet?

24 A. Yeah, like, even like going
25 into the ambulance, we didn't really talk

1 S. Linzy

2 about what they did in the ambulance, and
3 going into the ambulance. Like things that
4 I, you know, seen or noticed. We didn't
5 talk about that.

6 Q. If there is anything you would
7 like to tell me about the incident, please
8 tell me.

9 A. Well, in the ambulance they
10 did put a neck brace on, and they did take
11 my blood pressure. When they were lifting
12 me up into the ambulance, like I kind of
13 like was trying to look around a little
14 bit. And I seen a car there. It had like
15 the Uber sign in the window. And it had a
16 tablet like approximately eight inches in
17 the middle of the dashboard.

18 Q. Is there anything else that
19 you want to tell me about the incident?

20 A. No, sir.

21 MR. LEVITES: I have no
22 further questions for you, Miss Linzy.
23 Thank you so much for taking the time.
24 I know it wasn't easy to go through
25 this a second time. I appreciate your

1 S. Linzy

2 consideration today.

3 Your attorney, Mr. Klein, may
4 have some additional questions. But,
5 again, I appreciate your taking the
6 time and all the work you put into it.

7 THE WITNESS: Thank you.

8 MR. KLEIN: Thank you,
9 counsel. I just have one or two
10 follow-up questions.

11 EXAMINATION BY

MR. KLEIN:

12 Q. Miss Linzy, you described the
13 sticker that you saw on the vehicle. Can
14 you describe it in a little more detail
15 what you saw and where you saw it?

16 A. It was kind of like -- it was
17 like circular, but it was a backwards C
18 where it was kind of open on one end. And
19 it was like on the passenger's side at the
20 bottom of the window.

21 Q. In the bottom portion of the
22 passenger window?

23 A. Yes.

24 Q. You described the dashboard;
25 is that correct? Excuse me, a tablet on

1 S. Linzy

2 the dashboard?

3 A. Yeah, in like the middle of
4 the dashboard I could see like a tablet
5 sticking up. Like, it was approximately
6 about like eight inches.

7 MR. KLEIN: That is all I
8 have. Thank you. I appreciate it,
9 Miss Linzy.

10 Counsel, I appreciate your
11 time.

12 MR. LEVITES: I just have one
13 quick one, Kevin.

14 BY MR. LEVITES:

15 Q. The decal that you were
16 describing, was it a decal like a sticker
17 or was it like lit up?

18 A. What do you mean, was it a
19 decal?

20 Q. Was it a sticker that you saw
21 that you were describing, a shape that you
22 saw on the windshield. My question was,
23 was it lit up or was it like a sticker?

24 A. I'm not sure if it was lit up.

25 Q. Did you see any other decals

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S. Linzy
or stickers?
A. Not that I could recognize.
Like little -- yeah, not that I could
recognize.
MR. LEVITES: Thank you,
Miss Linzy. I appreciate it.
(Time: 12:24 p.m.)

SHAARILLE LINZY
Subscribed and sworn to
before me on this _____ day
of _____, 2023.

NOTARY PUBLIC

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C E R T I F I C A T I O N

I, CLAIRE GOULD, a Professional Reporter and a Notary Public, do hereby certify that the foregoing witness, SHAARILLE LINZY, was duly sworn on the date indicated, and that the foregoing is a true and accurate transcription of my stenographic notes.

I further certify that I am not employed by nor related to any party to this action.

IN WITNESS HEREOF, I hereunto set my hand this 2nd day of March, 2023.

A handwritten signature in cursive script that reads "Claire Gould".

CLAIRE GOULD

CASE NAME: Linzy, Shaarilee v. Uber Technologies Inc.
DATE OF DEPOSITION: 2/21/2023
WITNESSES' NAME: Shaarille Linzy

[illegible]

Shaarille Linzy

SUBSCRIBED AND SWORN TO BEFORE ME
THIS _____ DAY OF _____, 20__.

(NOTARY PUBLIC)

MY COMMISSION EXPIRES:

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and
(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY. THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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